IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.46211 of 2008
RAM BIHARI SINGH @ BIHARI SINGH
Versus
STATE OF BIHAR
---

2 16.12.2008 Heard.

The petitioner is an accused in a case registered under Section 302 and other allied Sections of Indian Penal Code as also Section 27 of the Arms Act.

The allegation is that the petitioner Ram Bihari Singh @ Bihari Singh fired from his rifle causing injury to Vishwanath Singh on his arm and the second shot fired by co-accused Mahatam Singh hit him on his chest.

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Some of the undisputed facts are that the parties were out to quarrel between them for allowing/not allowing one of them to create a path way in a particular piece of land which was general road/passage. It also appears that the petitioner claims himself engaging in getting the land so as to create a path way and in doing so the petitioner also sustained fire-arm injuries as per Injury report(Annexure-3)

Contention is that there is a counter-version that the petitioner and the other two injured persons on the side of the informant were removed to hospital and the petitioner survived. Further contention is that the petitioner himself having received injury could either be acting or exercising right of private defence or his party were incapacitated in firing and as such the allegation may

appear true.

Be that as it may this could be a situation. But if I am permitted to say, I hold a different view as was submitted by the learned Senior counsel.

The petitioner appears to be one of the assailants, considering which the prayer for bail of the petitioner is dismissed.

SKBOSE **(Dharnidhar Jha)**

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